

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>3/22/22</u>

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JUAN CARLOS MARTINEZ, *individually and on* :
behalf of others similarly situated, :

Plaintiff, :

-against- :

MEGA MUFFLER CENTER, CORP., *d/b/a* :
MEGA MUFFLER AUTO REPAIR; NELSON :
RODRIGUEZ, :

Defendants. :
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21-CV-6414 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on July 28, 2021, *see* Dkt. 1;

WHEREAS Plaintiff has failed to serve Defendant Nelson Rodriguez;

WHEREAS on November 12, 2021, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b), both because of Plaintiff's failure to serve Defendant Rodriguez and because Plaintiff failed to apply for a certificate of default against Defendant Mega Muffler Center, Corp., which Plaintiff had served, *see* Dkt. 8;


WHEREAS Defendant Mega Muffler Center, Corp. answered the Complaint on December 5, 2021, *see* Dkt. 11;

WHEREAS with respect to Defendant Rodriguez, Plaintiff did not file anything by the deadline, which the Court extended at Plaintiff's request, *see* Dkt. 10;

IT IS HEREBY ORDERED that this case is DISMISSED as against Defendant Nelson Rodriguez for failure to prosecute under Federal Rule of Civil Procedure 41(b) and failure to serve within the time set by Federal Rule of Civil Procedure 4(m).

SO ORDERED.

Date: March 22, 2022
New York, NY



VALERIE CAPRONI
United States District Judge